UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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K.C. COULTER,)
Plaintiff(s),) 2:08-cv-1347-RLH-PAL
VS.	ORDER
EIGHTH JUDICIAL DISTRICT COURT,)
Defendant(s).	}

Before this Court is the Report of Findings and Recommendation of United States Magistrate Judge (#2, filed October 20, 2008), entered by the Honorable Peggy A. Leen, regarding Petitioner K.C. Coulter's Petition for a Writ of Mandamus and Prohibition (#1, filed October 10, 2008). A Response to the Denial Order, which the Court will treat as an objection (#3) pursuant to Local Rule IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada, was filed to Magistrate Judge Leen's Report of Findings and Recommendation of United States Magistrate Judge.

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report of Findings and Recommendation of Magistrate Judge Leen should be accepted and adopted.

Mr. Coulter acknowledges that his Petition arises out of a criminal case pending against him in State Court, which is still in the pretrial stages. Absent extraordinary circumstances, federal courts may not enjoin or otherwise interfere with pending state criminal prosecutions on

constitutional grounds. The federal court must abstain and allow the state court to adjudicate all claims, state and federal. *Younger v. Harris*, 401 U.S. 37, 49-53 (1971). The purpose is to avoid unnecessary state-federal conflict, call it comity, federalism, or some other term.

Also, Petitioner suggests that he filed the Petition in this Court by accident and asks this Court to file his Petition in the correct court (he claims it to be the Ninth Circuit Court of Appeals). This Court has no authority, obligation or policy to select the appropriate court and file documents in that court for litigants. Petitioner's request is denied.

IT IS THEREFORE ORDERED that Magistrate Judge's Report of Findings and Recommendation (#2) is ACCEPTED and ADOPTED, Petitioner Coulter's Petition for a Writ of Mandamus and Prohibition (#1) is denied and the Petition is dismissed.

Dated: November 19, 2008.

ROGER I. HUNT Chief U.S. District Judge